

United States District Court
Eastern District of Michigan

United States of America

v.

Roneal Davis

Defendant

ORDER OF DETENTION VSR HEARING

Case Number: 04-80201

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

(1) I find that:

- ☐ there is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or _____;
- ☐ under 18 U.S.C. § 924(c).

(2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

☒ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

☐ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- ☒ (a) nature of the offense– Defendant on supervised release, transferred from Western District; has not reported since Dec 2004 and has picked up new drug offense and has a number of outstanding warrants
- ☒ (b) weight of the evidence–Strong; good relationship with probation officer but def has not done what he was supposed to.
- ☐ (c) history and characteristics of the defendant
 - ☒ 1) physical and mental condition– Generally good, but struggles with drug addiction. Credit given for his efforts to remain drug free for two years prior to his non-reporting.
 - ☒ 2) employment, financial, family ties– Currently unemployed, marriage may be terminated now
 - ☒ 3) criminal history and record of appearance– Generally good up until December 2004
- ☒ (d) probation, parole or bond at time of the alleged offense– This is a violation of supervised release
- ☒ (e) danger to another person or community– No evidence of current danger, despite prior domestic violence issue

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: February 10, 2006

s/Virginia M. Morgan*Signature of Judge*Virginia M. Morgan, United States Magistrate Judge*Name and Title of Judge*